

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6609 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NITINCHANDRA SATTA

Versus

MEMBER INDUSTRIAL COURT

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Appearance:

None present for Petitioner

MR MUKESH PATEL for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/02/98

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round and lastly in the third round but none put appearance for the petitioner. Perused the special civil application, reply to the special civil application and heard the learned counsel for the respondent.

2. Prayer has been made by the petitioner in this

special civil application for direction to the respondent to reinstate him with full backwages and continuity of service.

3. The petitioner has come up with the case in this special civil application that he joined the services of respondent as peon on 14-2-1985 and was given the pay scale of Rs.196-232. The petitioner worked as peon from 14th February, 1985 to 30th September, 1985. Various appointment orders which have been given to the petitioner are submitted as annexure 'A'. From perusal of these orders, it is clearly borne out that these appointments were given purely on adhoc and temporary basis for fixed term. Then the petitioner has come up with the case that he was given the appointment as bailiff and he worked on the said post from 27th March, 1986 to 27th June, 1986. The orders which have been given to him appointing him as bailiff are produced as annexure 'B' and I find therefrom that this time also the petitioner has been given purely temporary appointment for fixed term. The last appointment of the petitioner as a bailiff was only upto 27th June, 1986, and as such, the same has come to an end automatically.

4. It cannot be said to be a case of termination of service of the petitioner. It is a settled law that the temporary fixed term appointment comes to an end automatically on the expiry of period and no order of termination of service is required to be made nor any notice is required to be given. Reference in this respect may have to the Division Bench decision of this Court in the case of Bhanmati Tapubhai Muliya vs. State of Gujarat reported in 1995 (2) GLH 228.

5. I do not find any merits in this special civil application and the same is dismissed. Rule discharged.

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zgs/-